

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U 338-E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.	Application 00-11-038 (Filed November 16, 2000)
Emergency Application of Pacific Gas and Electric Company to Adopt a Rate Stabilization Plan (U 39 E).	Application 00-11-056 (Filed November 22, 2000)
Petition of THE UTILITY REFORM NETWORK for Modification of Resolution E-3527.	Application 00-10-028 (Filed October 17, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
SHORTENING TIME TO RESPOND TO APPLICATION
FOR REHEARING OF DECISION 05-01-036**

Decision (D.) 05-01-036 was adopted by the Commission at the meeting of January 13, 2005, and mailed to the parties on January 14, 2005. The decision construed, applied, implemented, and interpreted certain provisions of Assembly Bill 1 of the Legislature's First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 4) (AB1X).

Senate Bill 31 of the First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 9) amended Pub. Util. Code § 1731, and added Pub. Util. Code § 1768. Section 1731(c) requires that as a prerequisite for filing a cause of action "in any court," an application for rehearing of a Commission decision construing, applying, or implementing the provisions of AB1X must be filed within 10 days

after the date of issuance of the decision. Pursuant to § 1731(c), Pacific Gas and Electric Company (PG&E) and The Utility Reform Network (jointly, PG&E/TURN) filed a joint application for rehearing of D.05-01-036 on January 24, 2005.

Section 1731(c) also requires the Commission to “issue its decision and order on rehearing within 20 days after the filing of that application.” In order to issue a decision or order on rehearing of D.05-01-036 within the applicable timeframe, the Commission will need to take up consideration of PG&E/TURN’s application for rehearing at its regularly scheduled meeting on February 10, 2005.

Pursuant to Rule 86.2 of the Commission’s Rules of Practice and Procedure, a response to an application for rehearing may be filed no later than 15 days after the day the application for rehearing is filed. Consequently, responses will be due February 8, 2005, only two days before the February 10, 2005 Commission meeting. Therefore, so that the Commission may have sufficient time to consider any responses to PG&E/TURN’s application for rehearing that may be filed, the time for filing responses must be shortened. Although the Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed,¹ the time for filing a response to the application for rehearing shall be shortened to February 1, 2005. Accordingly, any party planning to file a response to PG&E/TURN’s application for rehearing shall file and serve the response on or before February 1, 2005. Any response shall be served by electronic mail on those parties on the service list who have provided an e-mail address, and by first class mail or other expeditious mode of delivery to

¹ See Rule 86.2 of the Commission’s Rules of Practice and Procedure.

those who have not provided an e-mail address. In addition, any responses shall also be electronically served on the following Commission staff: Helen W. Yee (yee@cpuc.ca.gov).

Therefore, **IT IS RULED** that the time for filing a response to PG&E/TURN's application for rehearing of D.05-01-036 shall be shortened. Any party filing a response shall file the response on or before February 1, 2005, and shall serve the response in the manner specified above.

Dated January 26, 2005, at San Francisco, California.

/s/ PETER V. ALLEN

Peter V. Allen
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Time to Respond to Application for Rehearing of Decision 05-01-036 on all parties of record in this proceeding or their attorneys of record.

Dated January 26, 2005, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.